
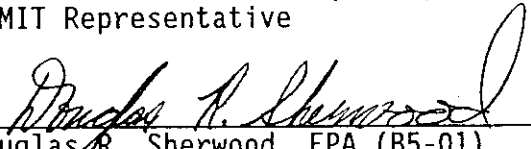
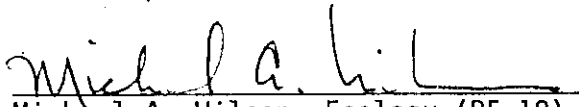


Meeting Minutes
Inter Agency Management Integration Team (IAMIT)
EPA Conference Room
712 Swift Blvd., Richland
March 25, 1997

Appvl.:  Date: 4/22/97
Charles A. Hansen, RL (S7-41)
IAMIT Representative

Appvl.:  Date: 4/22/97
Douglas R. Sherwood, EPA (B5-01)
IAMIT Representative

Appvl.:  Date: 4/22/97
Michael A. Wilson, Ecology (B5-18)
IAMIT Representative

Prepared by
Appvl.: _____ Date: _____
W. Russ Brown
Fluor Daniel Hanford, Inc.

Distribution

Alexander, S. M.	Ecology	B5-18	McBride, D. J.	BWHC	T5-15
Arnold, L. D.	FDH	B2-35	Miera, F. R.	RL	A5-15
M. L. Blazek	ODOE		Morrison, R. D.	FDH	B2-35
625 Marion N.E., Salem, OR	97310*		Robertson, J. R.	BWHC	T5-54
Brown, W. R.	FDH	B2-35	Selby, M. A.	Ecology	B5-18*
Cameron, K. D.	EL	A5-58	Sherwood, D. R.	EPA	B5-01
Dougherty, D.	Ecology	B5-15	Skinnarland, R	Ecology	B5-18
Dunning, D.	ODOE		Stanley, R.	Ecology	Lacey
625 Marion N.E., Salem, OR	97310*		Washenfelter, D.J.	FDH	S7-40
Frost, J. D.	Ecology	B5-18	Williams, N. H.	FDH	R3-11
Gonzalez, R. X.	RL	R3-79	Wilson, M. A.	Ecology	B5-18
Hansen, C. A.	RL	S7-41	Wisness, S. H.	RL	A5-18
Jackson, D. E.	RL	A5-15	Yerxa, J. K.	RL	A7-75
Kristofzski, J.	LMHC	R2-12	EDMC		H6-08
Krupin, P. J.	RL	A5-15			

* W/Attachments



IAMIT03.25

Inter Agency Management Integration Team
EPA Conference Room
712 Swift Blvd., Richland
March 25, 1997

1. SMS Update

Kerry Cameron presented. Update on developing on line reporting on program baseline summary (PBS).

Doug Sherwood identified issues for EPA including:

- 1) Substantive consistency with SMS
- 2) The new process is not consistent with current TPA (Paragraphs 148 & 149)

Action: RL Kerry Cameron will go to RL budget people (e.g., Jim Peterson) to discuss and suggest changes to TPA Paragraphs 148 and 149 to be consistent with new budget reporting system. Request from Doug Sherwood. Kerry Cameron will report next month.

Action: Need follow up on AIP signed September 1996 to see when its outdated/expires. Request from Melody Selby. Doug Sherwood will do this.

2. M-44 Dispute Resolution

Jim Poppiti gave the presentation (Attachment 1). M-44-02C Dispute Status - Jim Popitti went through handout and explained work of the Inter Agency Characterization Team. Team is proposing that the intelligent use of the DQO process will be used to develop all milestones.

M-44-02C discussions are expected to be concluded by about the end of May 1997. An extension must be signed at the next IAMIT Meeting.

Mike Wilson signed off on decision to include M-44-01D and M-44-02D disputes into the ongoing M-44-02C dispute (Attachments 2A & 2B).

3. M-34 Spent Nuclear Fuel Dispute Discussion (Attachments 3A & 3B)

Charles Hansen presented RL's position on contingency time issue. Discussion focused on target dates vs. enforceable milestones. Discussion to take place between Charles Hansen, Mike Wilson, Beth Sellers and selected others on April 1, 1997 in Seattle, WA, concerning target dates and milestones. The EE/CA will then have to be revisited to be consistent with any milestones & target dates. Agreement that regulators must be involved in project management. Section 11.5 is not

an issue of critical importance to Ecology, so long as milestones are agreeable to Ecology. This is according to Mike Wilson.

All IAMIT members pointed out that it is critical that the regulator, DOE and Contractor project managers have regular face to face contact on all projects. Charles Hansen recommended that the regulators attend the weekly meetings between DOE and the contractor regarding project status.

4. PFP Dispute Resolution (M-83) (Attachments 4A & 4B)

Change package being sent to Ecology, but RL has not received a formal response. Ecology presented a draft written response, including a draft change request. It was agreed that discussions would take place between regulators and RL in the near future to discuss the Ecology draft change request.

Action: All signatory Milestones must go out for public comment.

5. TWRS/ER Vadose Zone Integration

Mike Thompson, RL, presented RL's position on vadose zone investigations & modeling. RL proposes to drill in AX and SX Farms. This would get the most information for the dollars spent. Integration of activities between programs (i.e., TWRS, ER, Waste Management) would be accomplished by assigning individuals from these programs to meet prior to doing any critical work and exchange information (e.g., models) in order to be fully conclusive and consistent.

Doug Sherwood requested that well decommissioning budgets have a higher priority.

AGENDA
INTER AGENCY MANAGEMENT INTEGRATION TEAM (IAMIT) MEETING

MARCH 25, 1997
1:00 PM - 4:30 PM

EPA CONFERENCE ROOM
712 SWIFT BLVD., SUITE 5

(CHAIRPERSON: D. R. SHERWOOD)

1:00 pm SITE MANAGEMENT SYSTEM REPLACEMENT STATUS
(K. Cameron)

1:10 pm MILESTONE M-44 DISPUTE RESOLUTION STATUS
(J. Poppiti, D. Dougherty, J. Kristofzski)

2:10 pm M-34-00 SPENT NUCLEAR FUEL DISPUTE RESOLUTION
(C. Hansen, E. Sellers, R. Holt)

3:10 pm BREAK

3:15 pm M-83-00 PLUTONIUM FINISHING PLANT DISPUTE RESOLUTION
(J. Mecca, R. Gonzalez)

3:45 pm TWRS/ER VADOSE ZONE INTEGRATION
(D. Shafer, K. Thompson, S. Dahl, D. Sherwood)

4:30 pm ADJOURN

IMAGENDA.MAR

TPA JAMIT

TUESDAY, MARCH 25, 1997

<u>NAME</u>	<u>ORGANIZATION</u>	<u>PHONE</u>
Russ Brown	FDH-TPAI	376-4026
Doug Sherwood	EPA	376-9529
Charles Hansen	DOE	376-7434
Melinda A. Delly	Ecology	736-3021
Mike Wilson	Ecology	736-3090
LARRY ARNOLD	FDH-B-TPAI	376-9115
Ron Skinnarland	Ecology	736-3891
Yule Jackson	DOE-RL-EAP	376-4851
JOHN YERXA	DOE -	376-4028
JACK FROST	WA-DOE	736-5712
Felix R. Miera	RL/EAP	
Steve Alexander	Ecology	736-3045
Roger Stanley	Ecology	(360) 407-7108
Mary H. Blazek	ODOE	503 378 5544
Dennis Washenfeller	FDH-TWRS	373-2641
John Kuyf (Kristi Frost)	LMHC-TWRS	373-4225
Diane Dougherty	Ecology	736-3647
KERRY CAMERON	DOE-RL	376-8035
NANCY WILLIAMS	FDH-SNF	373-6307
Steve Wisness	DOE-AMF	373-9337
RICK GONZALEZ	DOE-TPD	373-9922
Julie Robertson	BWHC-PFP	376-8162
DON MCGRIDE	BWHC-PFP	373-5695
PAUL KEIPIN	DOE-RL	376-1112

NAME

ORIGINATOR

PHONE

K. Michael Thompson

Stan Leja

Dir Goswami

David Shaffer

Lynne Roder-Smith

Bob Kober

RL-MME

Ecology

Ecology

DOE-TURB

Jason Assoc.

DOE-RL

373-0750

736-3046

736-3015

376-9855

375-0556 x 214

373-7949

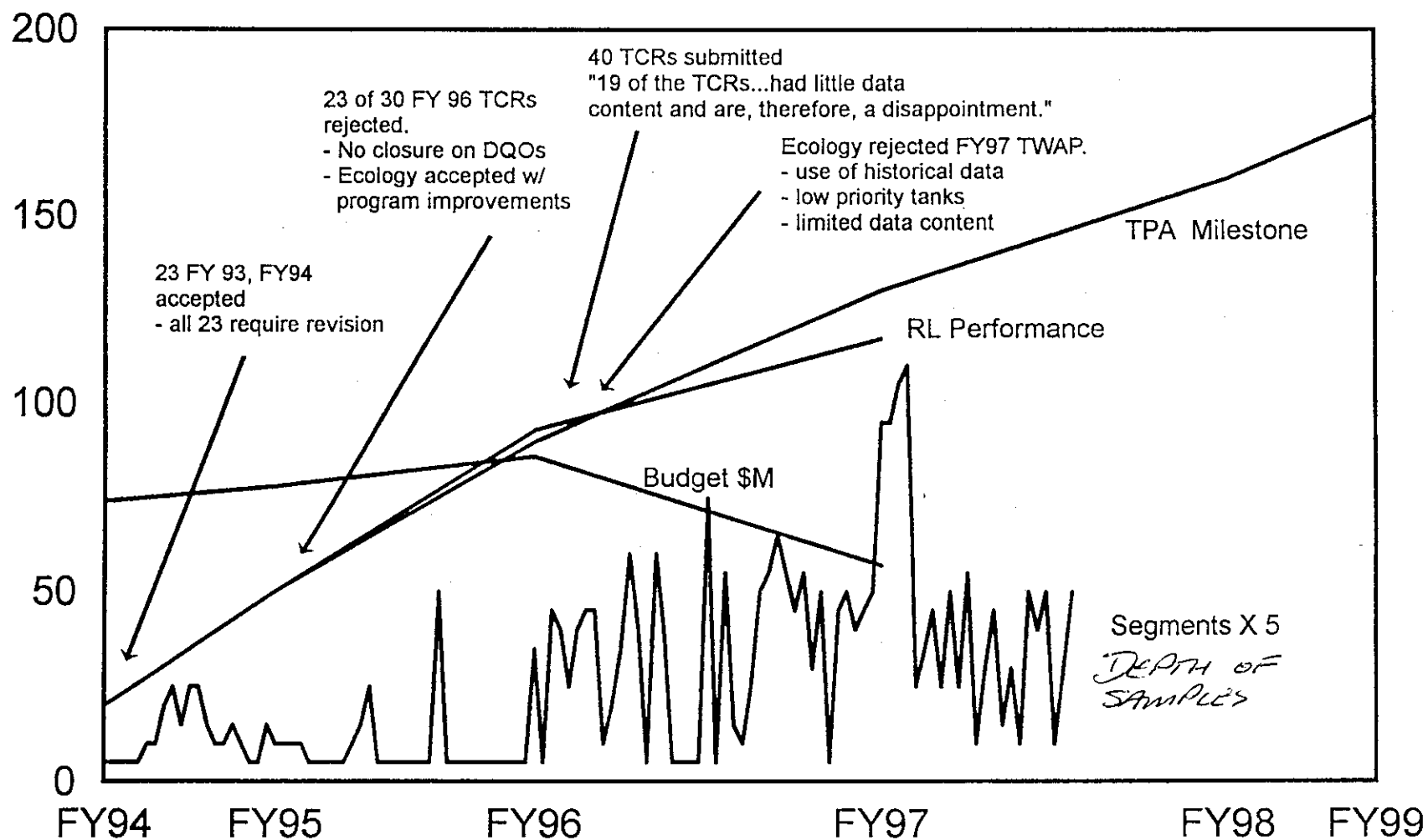
Disputed TWAP Milestone

M-44-02C:

Submit TWAP and TCPs annually to Ecology and EPA for approval. The TWAP will cover safety, retrieval, pretreatment, and other processing needs. The TWAP will identify sampling and analysis activities projected for the following fiscal year. The TWAP will describe the TCPs to be issued for the year. The TCPs will cover sampling and analysis activities for each DST and SST to be characterized in the following fiscal year. The TWAP will also identify the following year's TCRs to be submitted and on what type of data they will be based. The TWAP will specify the contents of these TCRs. The TWAP and TCPs will be developed via a DQO process involving EPA, Ecology, and USDOE prior to implementation. If the three parties do not agree on any individual TCP then Ecology will issue a final decision by September 30 of that year for the scope of the plan. USDOE will implement the final decision. If USDOE disputes the final decision, the Ecology final decision will be implemented during the dispute resolution process.

Due 8/31/1996
and annually
thereafter

Problems w/Characterization are not new.



What Characterization should do

- Prioritizing of TWRS sampling and characterization activities should be based on a careful study of impacts to the overall critical-path schedule

HAB Consensus Advice #65

- Long Term Integrated Tank Waste Characterization Program: Develop an Ecology/USDOE agreed upon long term integrated program for tank waste characterization that provides for and directs sampling for all TWRS data needs including safety, operations, retrieval, pretreatment, and disposal. The characterization program is an essential cross cutting program that provides necessary building block information for many components of TWRS

Ecology - 1997 Success Measures

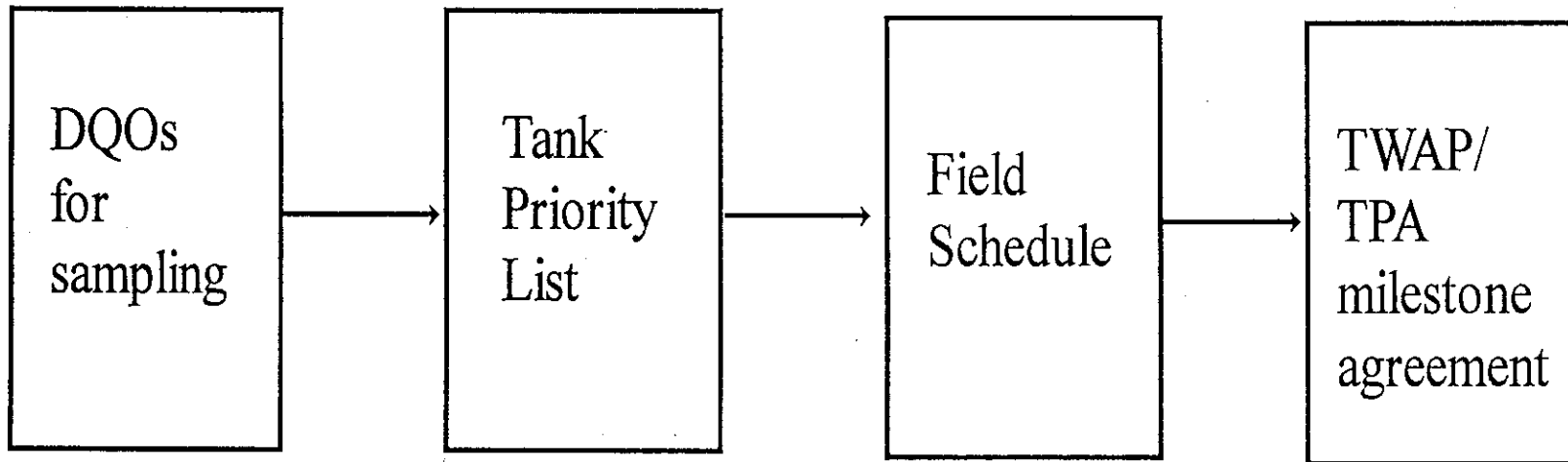
Characterization is the act of developing a dynamic model on understanding of, and obtaining the chemical, physical, and spatial properties of a system (in this case, tank wastes) adequate to initiate an action or resolve a question about the system.

Characterization Definition
from Characterization team
Nov 96

...to take a fresh, unconstrained look at
TWRS Characterization Strategy and
Program...to meet characterization needs
of all customers...

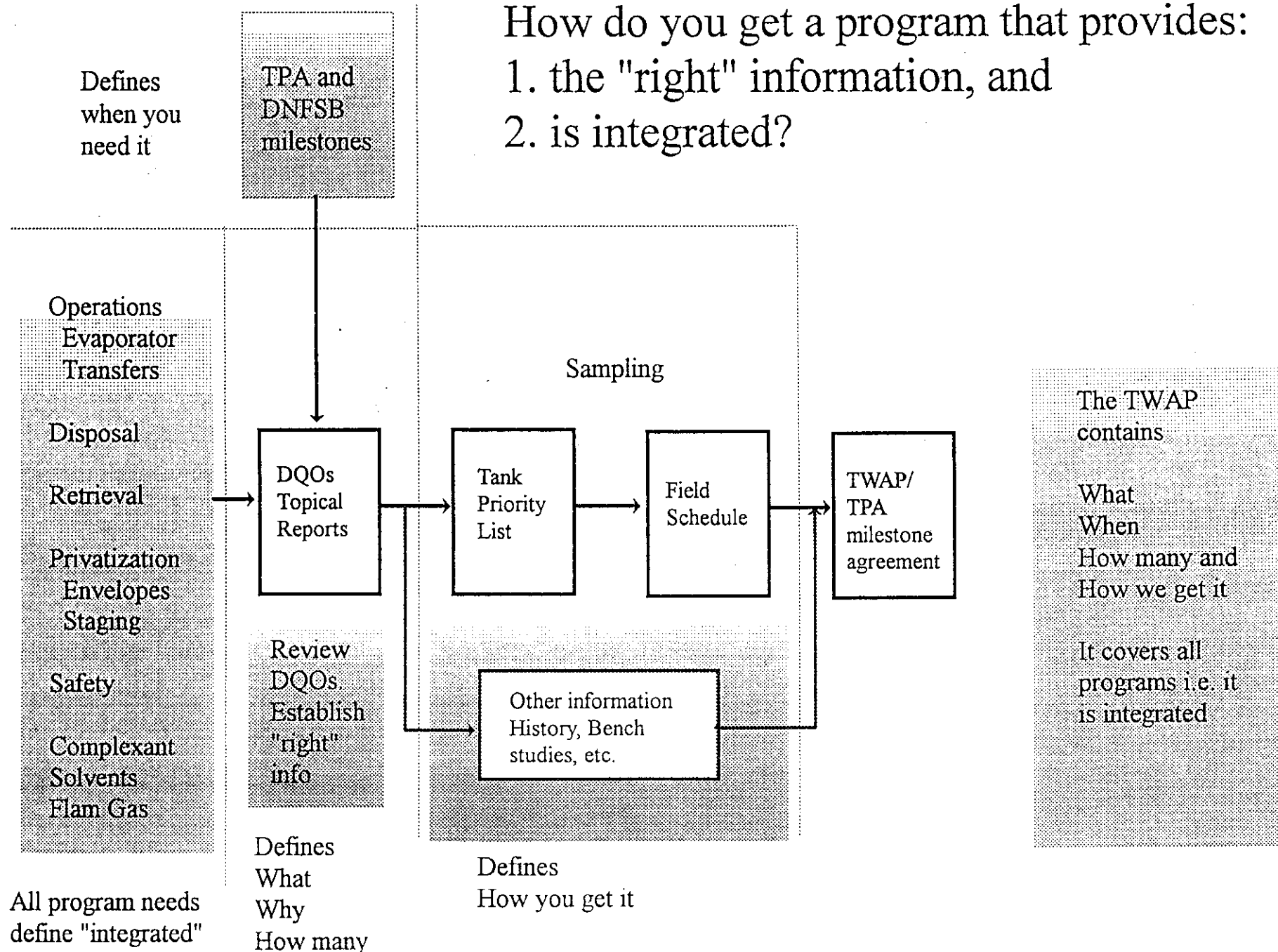
Characterization Team
Character Nov 96

Basic Approach that's been used



Defines what
types of
samples we
need to collect

How do you get a program that provides:
1. the "right" information, and
2. is integrated?



Milestone or Driver	When		
	FY97	FY98	FY99

Operations

M-41-12-T01
Complete IS of
4 tanks by 12/97

Compatibility
DQO

6 grab samples
each from 4 tanks
analyzed via
compatibility
DQO (24 Grab
samples)

Safety

M-40-00
Mitigate/
Resolve safety
issues by
9/30/01

5.4.3.3b
Complexant safe
storage 11/98

16 cores
from 8 tanks

16 cores
from 8 tanks

Topical
Report

Defines what

What/How many/How you get it

Status and Request

Agreement of Tank
Priority

Agreement on Field
Schedule

Agreement on improved
TWAP

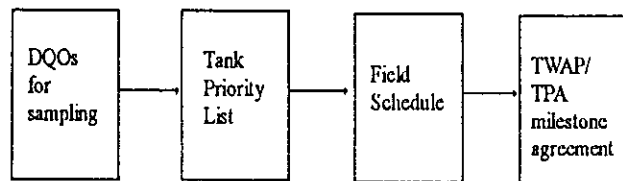
Reviewed 1 DQO

Partial review of 2 other
DQOs

Change request to allow
DOE to develop improved
TWAP for 1998

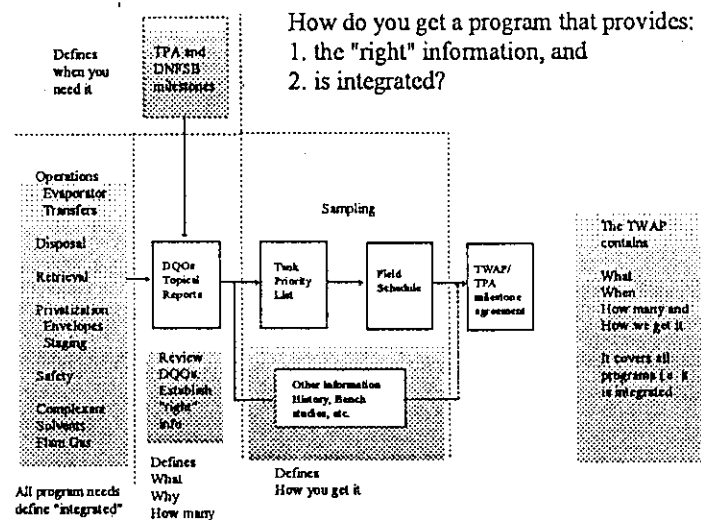
Apply this approach to
1997 and 1999

Basic Approach that's been used



Defines what types of samples we need to collect

How do you get a program that provides:
1. the "right" information, and
2. is integrated?



Milestone or Driver

When

FY97

FY98

FY99

Operations

M-41-12-T01
Complete IS of 4 tanks by 12/97
Compatibility DQO

6 grab samples each from 4 tanks analyzed via compatibility DQO (24 Grab samples)

Safety

M-44-00
Mitigate/Resolve safety issues by 9/30/01
S-13-3b
Complete exit path design 11/98

16 cores from 8 tanks

16 cores from 8 tanks

Topical Report

Defines what

How many

Status and Request

Agreement of Tank Priority

Agreement on Field Schedule

Agreement on improved TWAP

Reviewed 1 DQO

Partial review of 2 other DQOs

Change request to allow DOE to develop improved TWAP for 1998

Apply this approach to 1997 and 1999

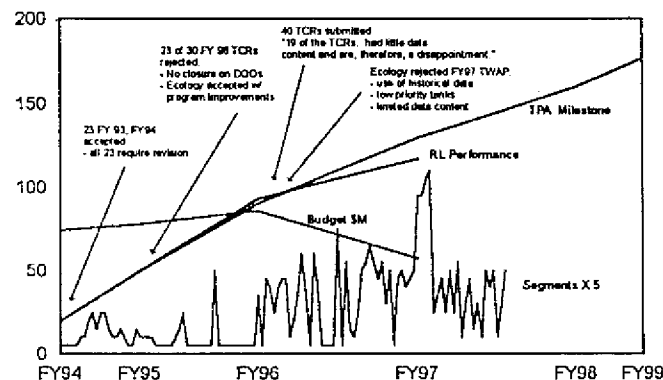
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Due 6/31/1996
and annually
thereafter

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Ecology - 1997 Success Measures

Characterization is the act of developing a dynamic model on understanding of, and obtaining the chemical, physical, and spatial properties of a system (in this case, tank wastes) adequate to initiate an action or resolve a question about the system.

Characterization Definition
from Characterization Team
Nov 96

...to take a fresh, unconstrained look at TWRS Characterization Strategy and Program...to meet characterization needs of all customers...

Characterization Team
Character Nov 96



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

MAR 14 1997

97-WSD-088

Mr. Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Mr. Wilson:

DISPUTE RESOLUTION FOR HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
(TRI-PARTY AGREEMENT) MILESTONE M-44-01D

The purpose of this letter is to invoke the dispute resolution process to resolve the differences between the U.S. Department of Energy, Richland Operations Office (RL) and the State of Washington Department of Ecology (Ecology) concerning Tri-Party Agreement Milestone M-44-01D, the delivery of the draft TWAPs and TCPs.

To date, Ecology has not formally responded to the change request submitted in RL's letter from G. H. Sanders to M. Wilson, Ecology, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) M-44-01D and M-44-02D Change Request's," 97-WSD-045, dated February 20, 1997, and by operation of Tri-Party Agreement, Section 12.3.3, this request is deemed denied. Therefore, according to the dispute resolution terms of the Tri-Party Agreement, RL must notify Ecology of its objection to this action and hereby gives notification, and invokes the dispute resolution process in order to attempt resolution of the differences of the parties.

As you are aware, a working group composed of Ecology, RL, and contractor representatives have been working on resolving a related dispute involving Tri-Party Agreement Milestone M-44-02C, "Tank Waste Analysis Plan for Fiscal Year 1997." RL hereby proposes to agree to resolve the Tri-Party Agreement Milestone M-44-01D dispute in the ongoing deliberations concerning the Milestone M-44-02C dispute.

If you agree with this suggested approach please sign and date at the bottom of this letter by COB Friday, March 21, 1997. If RL does not receive a copy of this letter, signed by you, RL will proceed with the dispute resolution process for this Milestone as a separate action.

Mr. Mike Wilson
97-WSD-088

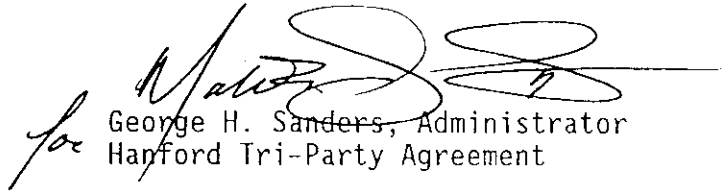
-2-


MAR 14 1997

If you have any questions, please contact me or you may contact Jim Poppiti,
on (509) 376-4550 or Carolyn C. Haass on (509)372-2731.

Sincerely,

WSD:JAP


for George H. Sanders, Administrator
Hanford Tri-Party Agreement


Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology

3/25/97
Date



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

Attachment 2B

RECEIVED

MAR 17 1997

MAR 14 1997

97-WSD-089

Mr. Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Mr. Wilson:

DISPUTE RESOLUTION FOR HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
(TRI-PARTY AGREEMENT) MILESTONE M-44-02D

The purpose of this letter is to invoke the dispute resolution process to resolve the differences between the U.S. Department of Energy, Richland Operations Office (RL) and the State of Washington Department of Ecology (Ecology) concerning Tri-Party Agreement Milestone M-44-02D, the delivery of the final Tank Waste Analysis Plans and Tank Characterization Plans.

To date, Ecology has not formally responded to the change request submitted in RL's letter from G. H. Sanders to M. Wilson, Ecology, "Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement) M-44-01D and M-44-02D Change Request's," 97-WSD-045, dated February 20, 1997, and by operation of Tri-Party Agreement, Section 12.3.3, this request is deemed denied. Therefore, according to the dispute resolution terms of the Tri-Party Agreement, RL must notify Ecology of its objection to this action and hereby gives notification and invokes the dispute resolution process in order to attempt resolution of the differences of the parties.

As you are aware, a working group composed of Ecology, RL, and contractor representatives have been working on resolving a related dispute involving Tri-Party Agreement Milestone M-44-02C, "Tank Waste Analysis Plan for Fiscal Year 1997." RL hereby proposes to agree to resolve the Tri-Party Agreement Milestone M-44-02D dispute in the ongoing deliberations concerning the Milestone M-44-02C dispute.

If you agree with this suggested approach please sign and date at the bottom of this letter by Close of Business Friday, March 21, 1997. If RL does not receive a copy of this letter, signed by you, RL will proceed with the dispute resolution process for this Milestone as a separate action.

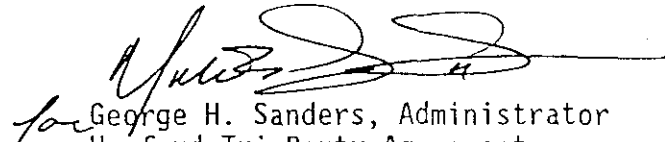
Mr. Mike Wilson
97-WSD-089

-2-


MAR 14 1997

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on (509) 376-4550 or Carolyn C. Haass on (509)372-2731.

Sincerely,


for George H. Sanders, Administrator
Hanford Tri-Party Agreement

WSD:JAP


Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology

3/25/97
Date



Department of Energy
Richland Operations Office
P.O. Box 550
Richland, Washington 99352

MAR 24 1997

97-EAP-342

Mr. Mike Wilson, Program Manager
Nuclear Waste Program
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504

Mr. Doug Sherwood, Program Manager
Hanford Project Office
U. S. Environmental Protection Agency
400 Swift Blvd.
Richland, Washington 99352

Dear Messrs. Wilson and Sherwood:

TRANSMITTAL OF STATEMENT OF DISPUTE REGARDING NEGOTIATIONS ON HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (AGREEMENT) MILESTONE M-34 (SPENT NUCLEAR FUEL)

Attached to this letter is the Department of Energy, Richland Operations Office (RL) Statement of Dispute and position regarding the outstanding issues involving negotiations of Agreement Milestone M-34 (Spent Nuclear Fuel). This Statement of Dispute is being transmitted to your agencies as per Article VIII Section 30 Paragraph A of the Agreement. A discussion of this dispute has been placed on the next Inter Agency Management Integration Team (IAMIT) agenda. The IAMIT is scheduled to meet next Tuesday, March 25, 1997.

If you have any further questions please contact me on (509) 376-6888.

Sincerely,

A handwritten signature in black ink, appearing to read "George H. Sanders", is written over the word "Sincerely,".

George H. Sanders, Administrator
Hanford Tri-Party Agreement

EAP:GHS

Attachment

STATEMENT OF DISPUTE REGARDING NEGOTIATIONS ON HANFORD FEDERAL FACILITY
AGREEMENT AND CONSENT ORDER MILESTONE M-34 (SPENT NUCLEAR FUEL)

- References:
- 1) Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), Spent Nuclear Fuel Negotiations - Agreement in Principle (96-EAP-297).
 - 2) U. S. Department of Energy, Richland Operations Office Request to Suspend Negotiations on Milestone M-34 of the Hanford Federal Facility Agreement and Consent Order through January 14, 1997.
 - 3) Negotiation of Hanford Federal Facility Agreement and Consent Order commitments for the completion of K-East and K-West Basin Facility Transition and the Initiation of the Surveillance and Maintenance Phase, M-34-97-01.

HISTORY

In August 1996, the U. S. Department of Energy, Richland Operations Office (RL), the U. S. Environmental Protection Agency (EPA) and the State of Washington Department of Ecology (Ecology) entered into an Agreement in Principle (AIP) to conduct negotiations aimed at developing appropriate Tri-Party Agreement commitments for the removal of fuel, sludge, and water from the K Basins and for the completion of stabilization of the K Basins (Reference 1). Subsequently, negotiations began and substantial progress was made towards agreement on specific project commitments for a path forward to establish Agreement milestones and target dates. In late October 1996, RL realized it was unable to commit to mutually agreeable dates because of a then critical need for a reassessment of the spent nuclear fuels project technical baseline by RL's new integrating contractor, Fluor Daniel Hanford, Inc. On November 1, 1996, RL formally notified EPA and Ecology and requested a suspension of negotiations until January 14, 1997. EPA and Ecology agreed and the negotiations were suspended until January 1997 (Reference 2).

From late January 1997 until March 7, 1997, Ecology, EPA and RL resumed negotiations. During that time significant progress was made towards establishing draft milestones and target dates for removal of spent fuel, sludge, debris, and water from the basins and for completion of transition activities prior to transferring the basins to RL's Environmental Restoration Division. On March 7, 1997, EPA and Ecology were provided RL's best offer milestone package (Reference 3). Subsequently, RL received no formal correspondence from either EPA or Ecology and no further negotiation sessions took place prior to the Friday, March 14, 1997, deadline for completion of negotiations.

It is RL's position that only two issues are outstanding and remain to be resolved. These issues are: 1) timing issue of milestones and sequencing of target dates relative to the current project baseline; and 2) application of Agreement Section 11.5 to Facility Transition Program activities at the K Basins.

ISSUE ONE

It is RL's position that it is both appropriate and necessary to consider the technical and schedule risk in the proposed Milestone dates for the M-34 activities. The activities being undertaken at K Basins have never been attempted on this scale anywhere in the world, but, in the interest of meeting the desires of the public and the stakeholders, which have been clearly expressed on the K Basin issues, the Department of Energy has challenged its contractor to an extremely aggressive schedule. This schedule is based on a 50% probability of successful completion, and is, therefore, only potentially achievable if no unforeseen problems arise. In many negotiation situations we have been involved in before, we have worked from schedules that have included contingency built into the schedule. Here the schedule has no contingency built in. If RL were to accept the position that enforceable milestones were appropriate to be based on this schedule, we would be placing ourselves at a high level of jeopardy of fines and penalties simply because we have driven so hard to be responsive to the public and stakeholders. RL intends to manage to the most aggressive schedule that can be achieved. However, it does not appear to be in either RL's or the regulators' interest to put ourselves in an enforcement situation if the most optimistic scenarios are not realized. RL, EPA and Ecology have consistently agreed to reasonable schedules in the establishment of milestones in past negotiations. There does not appear to be a legitimate basis in the current situation to depart from this position.

ISSUE TWO

Section 8 of the Agreement was negotiated between the Tri-Parties in 1994, to define the facility decommissioning process by which RL, with the involvement of the lead regulatory agency, will take a facility from operational status to its end state condition (final disposition) at Hanford. Section 8 provides that such facilities are to be identified on a case-by-case basis, generally based on criteria identified in Agreement Subsection 8.1.2. RL has agreed, as reflected in its latest Spent Nuclear Fuel change request, that the K Basins are key facilities and therefore must be managed during decommissioning phases in accordance with the provisions of Agreement Section 8. Subsection 8.1.3 of the Agreement establishes key planning documents which must be generated during the various decommissioning phases. These documents include a Project Management Plan for activities during the transition phase, and a Surveillance and Maintenance Plan during the surveillance and maintenance phase.

It is RL's position that application of Agreement Section 11.5 to the K Basins facility decommissioning activities would be unnecessary and duplicative of actions required for key facilities under Agreement Section 8. Agreement

Section 11.5 was established to provide a management tool for the group of activities now covered by Agreement Milestones M-90, M-91 and M-92. Section 11.5 was crafted because: 1) there were no currently existing plans for these activities; 2) the situation was one of dealing with material streams rather than facilities; and 3) therefore, it was deemed appropriate to agree to an approved project management plan to address these specific actions. Since Section 11.5 was designed to address a set of unique material streams that were outside the coverage of Section 8, it is RL's belief that it is inappropriate to attempt to force fit that Section on activities that are covered under Section 8.

RL wishes to make one final point concerning its position on application of Section 8 to the K Basins decommissioning activities. On November 1, 1996, RL Manager, John D. Wagoner, sent a formal request to EPA and Ecology to extend the Spent Nuclear Fuel negotiations until Mid-January 1997, and to conclude these negotiations by March 14, 1997. A portion of that request included a listing of RL commitments for completion of the negotiations. Relevant here, RL stated its intentions, in part, to "complete Facility Transition in accordance with Section 8 of the Tri-Party Agreement." This formal request was subsequently acknowledged and signed by the EPA Regional Administrator and the Director of Ecology (Reference 2, page 3, paragraph 3).

CONCLUSION

For the above stated reasons it is RL's position that Agreement Section 11.5 should not apply to facility decommissioning activities at the K Basins and that contingency time between contractual due dates and Agreement due dates is prudent and must also be included for some proposed milestones and target dates. Therefore, RL's M-34 Spent Nuclear Fuel change package dated March 7, 1997, is a reasonable package and should be approved by EPA and Ecology.

STATEMENT OF DISPUTE

Washington Department of Ecology
U. S. Environmental Protection Agency

March 25, 1997

The following Ecology/EPA statement has been prepared for consideration by the parties Inter-Agency Management Integration Team (IAMIT) pursuant to the provisions of Hanford Federal Facility Agreement and Consent Order (Agreement) Article VIII.

SUBJECT: Remaining issues: K Basin negotiations

INTRODUCTION: Negotiation of work schedules for cleanout of DOE's K East and K West fuel basins have been in progress since late this last summer. They were temporarily suspended during the latter part of 1996 in order for DOE's new contractors to come on board. Under an Ecology and EPA granted extension, the period for negotiation expired March 14.

As of the parties' last negotiation session (March 7) Ecology, EPA, and DOE negotiation teams had tentatively agreed to change request language covering virtually all K basin specific issues. However, two issues were not resolved because they may impact Hanford cleanup and the Agreement overall. Additionally, these two issues reflect the extent to which the parties remain committed to agreements reached at our Saint Louis management forum. How these two issues are resolved will impact how and whether the three agencies work together effectively in implementing Project Management on the Hanford site; They are: (1) whether or not Project Management will be implemented consistently across the site via standardized documentation agreed to by both DOE and the lead regulatory agency, and (2) whether the agencies are going to work to the same cleanup schedules (or build a 6 month "cushion" onto DOE/PHMC schedules).

On Friday, March 7, after agreeing to all but language/dates addressing the above 2 issues, DOE's lead negotiator notified Ecology and EPA negotiators that DOE was unwilling to negotiate further on either issue. DOE's intent has evidently been to prompt issue consideration by Ecology and EPA management. Because these issues are now the subject of Agreement dispute, this Statement is intended to describe each dispute as we see them, and the positions of the agencies.

ISSUE ONE: SHOULD HANFORD PROJECT MANAGEMENT PLANS BE CONSISTENTLY DESIGNED AND IMPLEMENTED AS PRIMARY DOCUMENTS AGREED TO BY EACH OF THE PARTIES.

Perceived DOE Position: DOE proposed change request language would have K basin, and other Hanford site Project Management Plans designed and implemented as DOE internal documents.

Ecology/EPA Position: DOE actions implementing the parties' Saint Louis project management accord have not been applied consistently across DOE programs e. g., TWRS. Nonetheless, over time:

Statement of Dispute

March 25, 1997

Page 2.

- i). DOE has created "Project Hanford" (on paper),
- ii). Each of the agencies have reorganized along project lines,
- iii). project management training programs have been instituted, and
- iv). the parties have reached initial agreements regarding Project Management Plan design elements and the appropriate extent of regulatory agency involvement (These agreements are currently restricted to projects recently established under the Parties' "M-33" negotiations as described at Agreement Section 11.5).

Agreeing to DOE's proposed language could largely halt progress we have made in ensuring that project management design elements are applied consistently across the site, that DOE manages its projects to critical path, and that project management / environmental compliance work is implemented by the three parties together. Staff and agency negotiators worked hard throughout the parties' M-33 negotiations to apply commitments made in Saint Louis. Agreeing to DOE's proposal that these particular commitments go no further would do significant harm, and would perpetuate current fragmented approaches to Project Management Plan development and implementation.

Ecology and EPA believe that with two exceptions (Environmental Restoration program facility decommissioning and K basin fuel retrieval) site Project Management Plans should be prepared, agreed to by DOE and the Lead Regulatory Agency, and implemented by DOE in a consistent fashion pursuant to the provisions of Agreement section 11.5. In the instance of facility decommissioning by DOE's Environmental Restoration Program, Ecology and EPA recognize that final facility disposition Remedial Design Reports (RDR) may provide an equivalent project management process (the parties are working together to identify RDR modifications necessary to ensure consistency).

ISSUE TWO: SHOULD ECOLOGY AND EPA AGREE TO ADD SIX MONTHS TO DOE/PHMC WORK SCHEDULES WHEN ESTABLISHING AGREEMENT MILESTONES.

Perceived DOE Position: With some exceptions, DOE proposed change request language would add six months to DOE/PHMC K basin milestone dates (DOE proposed Agreement milestones are 6 months later). Though being expressed for the first time in these K Basin negotiations DOE's lead negotiator has noted that they feel free to take a similar stance elsewhere in the Agreement.

Ecology/EPA Position: Ecology and EPA have rejected DOE's proposal on a number of grounds (see following text). Our basic view is that this approach would result in inefficient and likely higher cleanup costs, is in direct opposition to project management, would drive the parties apart, and would damage progress made over the past two years in working together to get results.

Statement of Dispute

March 25, 1997

Page 3.

Specific objections include the following:

- ▶ This is not simply a K basin issue. DOE discussion indicates that it could be a broad philosophic change in approach to the Agreement.
- ▶ Agreeing to DOE's proposed six month cushion would roll back progress made in the past two years to "line up" Agreement requirements with DOE and PHMC planning documents and detailed work plans e. g., Multi Year Work Plans, Project Management Plans, site-wide systems engineering control documents, contract Performance Expectations, and agreed-to change request boilerplate.
- ▶ Agreeing to DOE's proposed six month cushion would effectively reverse existing Agreement Section 11.4:

11.4 DOE MULTI YEAR WORK PLANS AND SYSTEMS ENGINEERING CONTROL DOCUMENTS

"Unless otherwise agreed to by the Parties, DOE Multi Year Work Plans (MYWP) and sitewide systems engineering control documents, shall be consistent with this Agreement, e.g., such plans and documents shall describe work necessary to maintain or achieve compliance with the RCRA, CERCLA, and the requirements of this Agreement. At the times such plans and control documents are submitted they shall describe in detail work to be done, e. g., project start and completion dates, interfaces between programs and projects, and performance standards to be met. Such plans and control documents shall include a DOE determination that they are consistent with the requirements of this Agreement."

- ▶ Agreeing to DOE's proposed six month cushion would drive our respective project managers apart. This would be directly in opposition to our basic Saint Louis accord i. e., to implement the discipline of project management at Hanford and to do so by working shoulder to shoulder.
- ▶ Agreeing to DOE's proposed six month cushion would result in respective milestones which often would be in different fiscal years. Which would Ecology and EPA support as budgets are developed and expended?
- ▶ DOE's contractors would reportedly be held to meet DOE/PHMC milestones. It is unclear under what circumstances contractors would: a) receive incentive payments, or b) be penalized.

Statement of Dispute

March 25, 1997

Page 4.

- ▶ If Ecology/EPA agreed to DOE's proposed six month cushion and: a) DOE subsequently misses its own (DOE/PHMC) milestone, and then b) also misses the parties' Agreement milestone; there would be no penalty. We would be locked into arduous dispute processes.

For these reasons, Ecology and EPA believe that effective cleanup of the Hanford site demands that the parties work to the same schedules.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

March 24, 1997

Mr. John D. Wagoner, Manager
U. S. Department of Energy
P. O. Box 550
Richland, WA 99352

RE: **Response to Department of Energy, Hanford Federal Facility Agreement and Consent Order Change Request M-83-97-01 (Plutonium Finishing Plant)**

Dear Mr. Wagoner:

Please note that I received the above DOE approved Agreement change request which was forwarded to me on February 26, 1997. This proposal was made by telefax only (See Attachment 1), and included a handwritten notation by George Sanders of your staff that "Signature is required today if you concur." As you may know, Ecology has disapproved this request. Our reasons for disapproval include the following:

- 1) This Class I change request was submitted in violation of requirements within Agreement Action Plan sections 10.6 (and the Parties' Community Relations Plan), and 12.0.
- 2) Approval of DOE's change request would result in unwarranted further delays in the development and implementation of a sound Plutonium Finishing Plant (PFP) waste management and regulatory strategy. Approval of this change request would, in effect, allow DOE to continue to ignore federal and state hazardous waste requirements, including requirements governing characterization, designation, and management of PFP wastes. Proposals by Ecology and EPA which would recognize these requirements as terms of a PFP negotiation Agreement In Principle between the Parties have unfortunately been rejected by DOE.
- 3) DOE's proposal to simply postpone PFP transition negotiations once again inappropriately ignores the extent of PFP operations planned. Information provided us by DOE indicates that DOE plans nearly ten years of waste and material treatment/processing, associated handling within both PFP proper and its vaults, PFP laboratory facility operations, associated plant support, and safeguards and security. Delaying the application of Hazardous Waste Management Act (HWMA) requirements once again is unacceptable.

John D. Wagoner
March 24, 1997
Page 2.

In light of this information and disapproval I believe the following actions are warranted:

- 1) The existing Agreement milestone M-83-00 series is not appropriate, and should be deleted until the negotiation of transition schedules covering all of PFP can take place (See Attachment 2, proposed alternate change request).
- 2) DOE must submit: (i) a complete PFP hazardous waste facility Part A form three covering all PFP hazardous and mixed wastes no later than July 15, 1997, and (ii) an accompanying set of "DOE regulatory status determinations" covering all PFP waste and material categories. Each of these determinations should include data utilized, provide DOE's written rationale, and must demonstrate that the determination was made in accordance with Chapter 173.303 WAC procedures for identifying solid and hazardous wastes.

Prior to DOE's Part A submittal, I suggest that Ecology and DOE staff work with one another in assessing the characteristics of each waste and/or material stream, the adequacy of data available, and plant facilities used or expected to be used in their management.

- 3) That our respective staffs work together in ensuring that prior to PFP transition, and during plant operations, waste management at PFP is conducted in accordance with the requirements of Washington's Hazardous Waste Management Act.

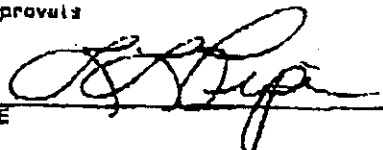
I look forward to working with you on this and other Hanford compliance and cleanup issues.

Sincerely,

Tom Fitzsimmons,
Director

cc: Mary Lou Blazek, ODOE
Bill Burke, CTUIR
Chuck Clarke, EPA Region 10
Hank Hatch, FDH
Russell Jim, YIN
Pete Knollmeyer, DOE RL
James E. Mecca, DOE RL
Donna Powauke, Nez Perce
James Rasmussen, DOE RL
Merilyn Reeves, HAB
Doug Sherwood, EPA Region 10

Attachments

Change Number M-83-97-01	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	Date February 25, 1997
Originator J. E. Mecca - DOE-RL		Phone (509) 376-7471
Class of Change <input checked="" type="checkbox"/> I - Signatories <input type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager		
Change Title Modification to Milestone M-83-00 to extend the negotiation of transition commitments.		
Description/Justification of Change <p>Major Milestone M-83-00 is modified as follows:</p> <p>M-83-00 COMPLETE STABILIZATION OF PROCESS AREA, AND OTHER PFP CLEANOUT ACTIONS RESULTING FROM THE EIS ROD, WITHIN PFP.</p> <p>COMPLETION OF THE PROCESS AREA STABILIZATION ACTIVITIES WILL ESTABLISH A SAFE AND ENVIRONMENTALLY SECURE CONFIGURATION FOR THESE PLANT AREAS. THE MAJOR RADIOACTIVE AND CHEMICAL SOURCES ASSOCIATED WITH THESE AREAS WILL BE REMOVED, REDUCED, AND/OR STABILIZED. COMPLETION OF STABILIZATION AND OTHER CLEANOUT ACTIVITIES WILL RESULT IN REDUCED RISK TO PLANT WORKERS, THE PUBLIC, AND THE ENVIRONMENT. THIS MILESTONE INCLUDES COMPLETION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PROCESS.</p> <p>THE THREE PARTIES WILL ENTER INTO NEGOTIATIONS WITHIN TWO MONTHS FOLLOWING ISSUANCE OF THE EIS RECORD OF DECISION TO ESTABLISH MILESTONES FOR IMPLEMENTING THE RECORD OF DECISION AND WILL COMPLETE NEGOTIATIONS 6 MONTHS THEREAFTER.</p>		
Impact of Change <p>Negotiations will be suspended pending resolution of issues regarding the Storage and Disposition of Weapons-Usable Fissile Materials Environmental Impact Statement Record of Decision.</p>		
Affected Documents <p>Hanford Federal Facility Agreement and Consent Order, Appendix D.</p>		
Approvals  DOE <u>2/26/97</u> <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved <small>Date</small>		
EPA <u> </u> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <small>Date</small>		
Ecology <u> </u> <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <small>Date</small>		

Change Number M-83-97-02	Federal Facility Agreement and Consent Order Change Control Form <small>Do not use blue ink. Type or print using black ink.</small>	DRAFT Date March 24, 1997
Originator Ecology	Phone	
Class of Change <input checked="" type="checkbox"/> I - Signatories <input checked="" type="checkbox"/> II - Executive Manager <input type="checkbox"/> III - Project Manager		
Change Title Deletion of <u>Hanford Federal Facility Agreement and Consent Order (Agreement)</u> milestone series M-83-00. Establishment of new M-83-00A milestone series covering transition of DOE's Plutonium Finishing Plant (PFP).		
Description/Justification of Change Negotiation of PFP transition schedules at this time is not appropriate. Numerous PFP operations are planned for the foreseeable future. These include, but are not limited to: PFP vault operations, including the removal of vault contents for stabilization, packaging, transport, and/or disposition; the treatment of PFP plutonium bearing materials and wastes by various plant treatment systems; associated materials / waste management activities; laboratory operations; and necessary plant safeguards and security.		
Impact of Change Approval of this change request deletes old Agreement milestone series M-83-00, and establishes new series M-83-00A (Completion of Plutonium Finishing Plant Transition Phase and Initiation of the Surveillance and Maintenance Phase).		
Affected Documents The Hanford Federal Facility Agreement and Consent Order, as amended.		
Approvals		
_____ DOE	_____ Date	___ Approved ___ Disapproved
_____ EPA	_____ Date	___ Approved ___ Disapproved
_____ Ecology	_____ Date	___ Approved ___ Disapproved

Description / Justification of change

Agreement milestone series M-83-00 milestones and target dates deleted by this action include M-83-00, M-83-01-T01, M-83-02, and M-83-02-T04 as follows:

M-83-00	COMPLETE STABILIZATION OF PROCESS AREAS, AND OTHER PFP CLEANOUT ACTIONS RESULTING FROM THE EIS ROD, WITHIN PFP.	TBD
	COMPLETION OF THE PROCESS AREA STABILIZATION ACTIVITIES WILL ESTABLISH A SAFE AND ENVIRONMENTALLY SECURE CONFIGURATION FOR THESE PLANT AREAS. THE MAJOR RADIOACTIVE AND CHEMICAL SOURCES ASSOCIATED WITH THESE AREAS WILL BE REMOVED, REDUCED, AND/OR STABILIZED. COMPLETION OF STABILIZATION AND OTHER CLEANOUT ACTIVITIES WILL RESULT IN REDUCED RISK TO PLANT WORKERS, THE PUBLIC, AND THE ENVIRONMENT. THIS MILESTONE INCLUDES COMPLETION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) PROCESS. THE THREE PARTIES WILL ENTER INTO NEGOTIATIONS WITHIN TWO MONTHS FOLLOWING ISSUANCE OF THE EIS RECORD OF DECISION TO ESTABLISH MILESTONES FOR IMPLEMENTING THE RECORD OF DECISION AND WILL COMPLETE NEGOTIATIONS WITHIN 6 MONTHS THEREAFTER. ¹	
M-83-01-T01	ISSUE FINAL ENVIRONMENTAL IMPACT STATEMENT RECORD OF DECISION (ROD).	6/30/96
	THE FINAL ENVIRONMENTAL IMPACT STATEMENT WILL BE COMPLETED AND ALL APPLICABLE NEPA REQUIREMENTS PERFORMED, INCLUDING ISSUANCE OF THE ROD.	
M-83-02	COMPLETE IDENTIFIED INTERIM ACTIONS.	12/31/98
	THE CURRENTLY IDENTIFIED INTERIM ACTIONS AS LISTED IN THE FOLLOWING TARGET ACTIVITIES WILL BE COMPLETED. ADDITIONAL POTENTIAL INTERIM ACTIONS WILL BE EVALUATED.	

M-83-97-02
March 24, 1997
Page 3.

Description / Justification of Change
(Continued)

M-83-02-T04 COMPLETE 234-5Z DUCTWORK CLEANOUT. 12/31/98

RESIDUAL PLUTONIUM-BEARING MATERIALS WILL BE REMOVED FROM IDENTIFIED EXHAUST VENTILATION DUCTING (TWO SECTIONS TOTALLING APPROXIMATELY 60 METERS [197 FEET]) AND SELECTED PROCESS VACUUM SYSTEM PIPING (APPROXIMATELY 45 METERS [150 FEET]).

The new M-83-00A milestone series established by this M-83-97-02 change request is as follows:

M-83-00A COMPLETE PLUTONIUM FINISHING PLANT TRANSITION TBD
PHASE AND INITIATE THE SURVEILLANCE AND
MAINTENANCE PHASE.

M-83-03 COMPLETE PLUTONIUM FINISHING PLANT TRANSITION 3/31/98
PHASE NEGOTIATIONS.

THESE NEGOTIATIONS WILL ESTABLISH AGREEMENT MILESTONES (INCLUDING A SPECIFIC M-83-00A END DATE) AND TARGET DATES SUFFICIENT TO EFFECTIVELY DRIVE NECESSARY COMPLIANCE ACTIVITIES, COMPLETION OF THE TRANSITION PHASE, AND PFP TRANSFER TO DOE'S ENVIRONMENTAL RESTORATION PROGRAM.

NEGOTIATION SENSITIVE

AGREEMENT IN PRINCIPLE

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER
NEGOTIATION OF COMMITMENTS FOR THE COMPLETION
OF TRANSITION OF HANFORD'S PLUTONIUM FINISHING PLANT

INTRODUCTION:

1. On June 25, 1996, the U.S. Department of Energy, Richland Operations Office (DOE-RL) issued its Environmental Impact Statement / Record of Decision (ROD) covering stabilization and associated activities at the Hanford Plutonium Finishing Plant (PFP)¹. This ROD was issued in partial fulfillment of Hanford Federal Facility Agreement and Consent Order (Agreement) milestone M-83-00 requirements. The ROD also served as notice that DOE, under its described preferred alternative, has decided to implement a select group of stabilization alternatives involving the removal of readily retrievable plutonium-bearing material in "hold-up"² at the PFP facility, and the stabilization of this and other PFP plutonium-bearing material. PFP plutonium-bearing material stabilization processes are expected to include ion exchange, vertical calcination, thermal stabilization, pyrolysis, immobilization, and repackaging. Following stabilization, PFP plutonium-bearing materials are to be either: (i) placed in PFP vault interim storage or (ii) managed as waste destined for DOE's Waste Isolation Pilot Plant (WIPP), Hanford Low Level Burial Grounds, or (TWRS) tanks. Materials determined to be within the scope of the Storage and Disposition of Weapons-Usable Fissile Materials Final Environmental Impact Statement Record of Decision will not be addressed in these negotiations.

2. DOE's PFP STABILIZATION ROD recognized that to date DOE has not made waste/material disposition determinations covering PFP plutonium-bearing materials, and that "Before proceeding with the alternative to immobilize residues, DOE recognizes that agreement upon an acceptable regulatory strategy will need to be reached with the Washington State Department of Ecology" (Ecology).

3. Agreement milestone M-83-00 (COMPLETE STABILIZATION OF PROCESS AREAS, AND OTHER PFP CLEANOUT ACTIONS RESULTING FROM THE EIS ROD, WITHIN PFP) required that "The three Parties will enter into negotiations within two months following issuance of the EIS Record of Decision to establish milestones for implementing the Record of Decision and will complete negotiations within 6 months thereafter." This required initiation of negotiations date (August 26, 1996) was subsequently placed on temporary

¹ Record of Decision for Plutonium Finishing Plant Stabilization Final Environmental Impact Statement, Hanford Site, Richland, WA, Federal Register / Volume 61, No. 113/ July 10, 1996.

² Hold-up is material that has accumulated or been retained in PFP Facility gloveboxes, hoods, process equipment, piping, exhaust and ventilation systems, and canyons as a result of 40 years of plutonium processing operations at the Facility.

- Coordination of PFP Agreement, Multi Year Work Plan, and Project Hanford Management Contract activities.
- Implementation of an effective PFP hazardous and mixed waste regulatory strategy ensuring compliance with the Resource Conservation and Recovery Act (RCRA) (including applicable RCRA Land Disposal Restrictions), and Washington's Hazardous Waste Management Act (HWMA). Elements of this strategy will include, but are not limited to the following:
 - (i) Timely designation of PFP hazardous and mixed wastes and subsequent submittal of a request for change under interim status (Part A form 3).

These designation activities will be based on the timely completion of DOE regulatory status determinations for each category of PFP materials/wastes. At the time each regulatory status determination is made, DOE will provide Ecology with a written rationale for determination. The rationale will demonstrate that the determination was made in accordance with Chapter 173.303 WAC procedures for identifying solid and dangerous wastes.

(ii) The closure of Hazardous Waste TSD units within the PFP in compliance with the provisions of Section 8 of the Agreement, including the submittal of a pre-closure plan at the conclusion of the Transition Phase, and a final RCRA Closure Plan at the initiation of the Final Disposition Phase.

(iii) Language recognizing that units stabilizing and/or otherwise treating PFP hazardous and mixed wastes, and resulting waste streams, must meet applicable performance requirements, e.g., RCRA/HWMA, WIPP acceptance criteria.

D. That Attachment A, titled "Preliminary Planning Plutonium Finishing Plant - Stabilization Material Flow Diagram", represents best currently available estimates regarding processing pathways for PFP plutonium-bearing materials. In the absence of new estimates, or otherwise relevant information, milestone schedules and target dates will be established utilizing these best available estimates of material pathways and processing.

E. That Ecology, as the designated Lead Regulatory Agency for these negotiations, agrees to keep EPA, as the designated non lead regulatory agency, appropriately and currently informed regarding all pertinent aspects of the negotiations. DOE agrees to provide any assistance as requested to support Ecology in providing briefings or documentation to EPA. The Parties further agree to cooperate in providing periodic briefings to the State of Oregon, affected Indian Nations, the Hanford Advisory Board, and other shareholders as appropriate.

Agreement In Principle

Page 4

2/26/97

F. That DOE will take all necessary steps to ensure adequate and continuing DOE-HQ participation throughout these negotiations.

G. That successful conclusion of negotiations shall be followed by an appropriate public comment period of not less than 45 days. Following completion of this public comment period the Parties commit to give adequate consideration to, and to publish a response to comments received prior to agreement finalization.

H. That if, within 5 months, the Parties are not able to resolve all negotiation issues, any unresolved matters shall be referred for resolution under Article VIII of the Agreement. Disputed issues shall immediately be referred to the IAMIT level of the Agreement dispute resolution process.

Approved this _____ day of March 1997.

Tom Fitzsimmons, Director
State of Washington
Department of Ecology

John D. Wagoner, Manager
U.S. Department of Energy
Richland Operations Office

→ _____
Chuck Clarke, Regional Administrator
U.S. Environmental Protection Agency
Region 10